

REMARKS

In response to the Office Action of February 27, 2009, the specification has been amended to incorporate language literally describing certain structure clearly illustrated in the drawings. No new matter has been introduced.

Claims, 7, 12 and 30 have been amended. New Claims 35-39 have been added. A Request for Continued Examination (RCE) has been filed. Claims 7-14 and 30-39 are now in the application.

Claims 7, 8, 30 and 31 were rejected under 35 U.S.C. §102(b) over Burney et al.. Claims 9 and 32 were rejected under 35 U.S.C. §103(a) over Burney in view of Mar. Claim 10 was rejected under 35 U.S.C. §103(a) over Burney in view of Abrahamson et al.. Claims 11 and 33 were rejected under 35 U.S.C. §103(a) over Burney et al. in view of Quinn et al. ('787). Claim 34 was rejected under 35 U.S.C. §103(a) over Burney et al. and Quinn ('787) in view of Frassica and Meng et al.. Claims 12 and 13 were rejected under 35 U.S.C. §103(a) over Quinn ('576) in view of Anderson et al. and Burney et al.. Claim 14 was rejected under 35 U.S.C. §103(a) over Quinn ('576), Anderson et al. and Burney et al. in view of Frassica and Meng et al..

The foundation for each of the prior art rejections in the Office Action resides in the Burney et al. reference. The rejected claims have now been amended to more clearly distinguish the claimed invention from anything which Burney et al. discloses or suggests. In that regard, it should be readily apparent that the structure and functions of Burney et al. are totally distinct from any disclosed and claimed features of applicant's invention.

Specifically, in the Office Action of February 27, 2009, the Examiner contends that Burney et al. discloses:

"a first stylet sub-assembly including a primary flexible wire stylet having distal and proximal ends, said first stylet sub-assembly also including a first stylet fitting in which the proximal end of said primary stylet is seated (Fig. 1 cannula 24 is functionally equivalent to a stylet and is flexible it is thin walled and made of stainless steel, Col. 2 lines 44-46, having fitting 44); and c) a second flexible wire stylet sub-assembly including a secondary stylet having distal and proximal ends, said secondary stylet sub-assembly also including a second stylet fitting in which the proximal

end of said secondary stylet is seated Fig. 1 stylet 26, again effectively stainless steel wire, fitting 50, Col. 2 line 47);”

But the cannula 24 of Burney et al. is plainly not a flexible wire element, nor does it function as one in applicant’s invention. It is a tubular element, made rigid by its tubular shape. Also, the stylet 26 of Burney et al. is a solid, and rigid stainless steel needle, with a diamond tip 48. It is not a flexible wire element.

The bottom line with regard to the prior art relevance of Burney et al. is that Burney et al. is irrelevant to the invention defined in Claims 1-14 and 30-34, as well as new Claims 35-39, except as to its application as a 35 U.S.C. § 102(b) reference. If Burney et al. does not anticipate any of the claims at issue, which now is clearly the case, applicant respectfully submits that no combination of Burney et al. and/or other cited references remotely suggests the claimed inventions.

Mar discloses the use of a marker 46 on a “core wire” 31. The marker is not on a catheter or a stylet. Contrary the Examiner’s belief, applicant submits the wire 31 is soldered to a “shaping” ribbon 51 and is neither a stylet for relative movement in a flexible tube nor a tube and stylet assembly.

Abrahamson et al. discloses a catheter tube which may have multiple lumens. A wire stiffener is provided in a lumen. The catheter is inserted a blood vessel. The wire stiffener is preferably a semi-rigid wire. The stiffener is a single wire and, thus, does not cooperate with a second wire to produce a flexible tube assembly which provides adjustable variability in flexibility, i.e., stiffness.

The Quinn ‘787 reference simply discloses an enteral feeding catheter with a bolus tip. It is otherwise unrelated to applicants claimed tube and two stylet (or wire) assembly.

Frassica et al. simply discloses the use of a water soluble lubricant on “screw threads” of a catheter. Quinn ‘787 it is also unrelated to the claimed invention.

Meng et al. also discloses the use of a water soluble lubricant in a blood vessel catheter. No multiple stylet assembly is provided. In fact, no stylet is employed. A single, rigid “introducer needle” is provided!

Claims 7, 12, 30, 36 and 39 are each in independent form. No combination of references, including particularly Burney et al. and Quinn (‘576) suggest any one of

those claims. Accordingly, applicant submits, each of these independent claims and/or their corresponding dependent claims defines structure and function which would have been unobvious to the assembled prior art references. As such, the claims at issue should be allowable.

Respectfully submitted,

/Richard G. Lione/
Richard G. Lione
Registration No. 19,795
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200